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Date: September 29, 2003

Docket No.: 0941-0848P

MS PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Request for filing a continuation divisional continuation-in-part application under 37 C.F.R. § 1.53(b) of pending prior Application No. 10/242,773 filed on September 13, 2002, the entire contents of which are hereby incorporated by reference, by

Hung-Yu CHIU; U-Way TSENG; Wen-Pin LU; Cheng-Chen HUSEH; Pei-Ren JENG; Fu-Hsiang HSU

for

MEMORY DEVICE AND METHOD FOR FORMING A PASSIVATION LAYER THEREON

1. Enclosed is an application consisting of specification, claims, declaration and drawings/photographs (if applicable).
2. The filing fee has been calculated as follows:

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10/671773



			LARGE ENTITY	SMALL ENTITY
	BASIC FEE		\$750.00	\$375.00
	NUMBER FILED	NUMBER EXTRA	RATE FEE	RATE FEE
TOTAL CLAIMS	9-20 =	0	x 18 = \$0.00	x 9 = \$0.00
INDEPENDENT CLAIMS	1-3 =	0	x 18 = \$0.00	x 42 = \$0.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+ \$280.00	+ \$140.00
		TOTAL	\$750.00	\$0.00

3. A check in the amount of \$750.00 to cover the filing fee and recording fee (if applicable) is enclosed.

4. Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this request is enclosed.

5. Enclosed is/are four (4) sheet(s) of formal drawings and/or photographs.

6a. A statement claiming small entity status was filed in prior Application No. 10/242,773 on _____. See the attached copy of the statement claiming small entity status.

6b. The current application qualifies for small entity status.

7. The prior application is assigned to MACRONIX INTERNATIONAL CO., LTD..

8. A Preliminary Amendment is enclosed.

9a. Priority of Application No(s). 091104754 filed in Taiwan, R.O.C. on March 13, 2002 is/are claimed under 35 U.S.C. § 119. See attached copy of the Letter claiming priority filed in the prior application on September 13, 2002.

9b. Priority of International Appln. _____ filed on _____ under the Patent Cooperation Treaty and _____

Application No. _____ filed in _____ on _____ under 35 U.S.C. § 120 and/or § 119 are hereby reclaimed.

10. An Information Disclosure Statement and PTO-1449 form(s) are attached hereto for the Examiner's consideration.

11. Address all future communications to:
BIRCH, STEWART, KOLASCH & BIRCH, LLP
P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000
or
Customer No. 02292

12. An extension of time for _____ () month(s) until _____ has been submitted in parent Application No. 10/242,773 in order to establish co-pendency with the present application.

13. Also enclosed herewith is the following:

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Joe McKinney Muncy
Joe McKinney Muncy, #32,334

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0941-0848P

Attachment(s)

(Rev. 07/303)

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: CHIU, Hung-Yu et al. Conf.: Unassigned
Appl. No.: New Group: Unassigned
Filed: September 13, 2002 Examiner: Unassigned
For: MEMORY DEVICE AND METHOD FOR FORMING A
PASSIVATION LAYER THEREON

COPY

L E T T E R

Assistant Commissioner for Patents
Washington, DC 20231

September 13, 2002

Sir:

Under the provisions of 35 U.S.C. § 119 and 37 C.F.R. § 1.55(a), the applicant(s) hereby claim(s) the right of priority based on the following application(s):

<u>Country</u>	<u>Application No.</u>	<u>Filed</u>
TAIWAN, R.O.C.	091104754	March 13, 2002

A certified copy of the above-noted application(s) is(are) attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By _____
Joe McKinney Muncy, #32,334

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Attachment